



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 15, 1998

Mr. Ryan Tredway  
Staff Attorney  
Legal and Compliance Division, MC 110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR98-0135

Dear Mr. Tredway:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112462.

The Texas Department of Insurance (the "department") received a request for "any and all complaints, including complaint number 342185, filed against Underwriters MGA, Inc." You state that some of the requested information will be provided to the requestor. You assert that portions of the requested information are excepted from required public disclosure based on sections 552.101, 552.111 and 552.112 of the Government Code.

Section 552.112 of the Government Code excepts from required public disclosure

information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

This provision protects examination, operating, or condition reports obtained by agencies in regulating or supervising financial institutions or securities or information that indirectly reveals the contents of such reports. *See* Open Records Decision No. 261 (1980). An insurance company is a financial institution for purposes of section 552.112. *See* Open Records Decision No. 158 (1977).

You state that the information at issue relates to the examination of a certain county mutual insurance company. We have reviewed the information and conclude that section 552.112 is applicable. Accordingly, the department may withhold the information from the requestor based on section 552.112.

In light of our conclusion under section 552.112, we need not address the other exceptions you raise. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 112462

Enclosures: Submitted documents

cc: Mr. Juan J. Cruz  
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(w/o enclosures)